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10/697,915	10/30/2003	Janani Janakiraman	AUS920030756US1	9641

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EXAMINER	
LIOU, ERIC	

ART UNIT	PAPER NUMBER
3628	

NOTIFICATION DATE	DELIVERY MODE
02/27/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

Office Action Summary	Application No.	Applicant(s)	
	10/697,915	JANAKIRAMAN ET AL.	
	Examiner	Art Unit	
	Eric Liou	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,8-12,14,15,19-23,25,26 and 28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,8-12,14,15,19-23,25,26 and 28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Applicant has amended claims 1-3, 14-15, and 25-26. Claims 5-7, 13, 16-18, 24, 27, and 29-30 are cancelled. Thus, claims 1-4, 8-12, 14-15, 19-23, 25-26, and 28 remain pending and are presented for examination.

Response to Arguments

1. Applicant's arguments filed 12/5/07 have been fully considered but they are not persuasive.

2. Applicant argues, "[The] cited Nassar reference does not teach automatic altering the downstream segments of a travel plan by a dynamic itinerary monitoring system." The Examiner respectfully disagrees. Nassar teaches the travel intelligence central server links the traveler (user) and the travel industry databases for purposes of inquiring as to airline departures and arrival times for various flights, making reservations, and changing reservations (Nassar: col. 2, lines 35-40). In response to determining a particular flight is cancelled or delayed, reservation module 12c makes service requests including rescheduling on behalf of the user (Nassar: col. 6, lines 27-30). Thus, the travel intelligence central server immediately provides assistance to the user in rescheduling a flight in a manner that suggests automation. Furthermore, even if Nassar does not explicitly teach automatically altering a travel plan, which the Examiner does not acknowledge, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Nassar to have included automatically altering a travel plan for the advantage of providing travel assistance in an efficient manner with

minimal user intervention. Moreover, the mere act of automating a manual activity is not sufficient to distinguish over the prior art. See *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) (Appellant argued that claims to a permanent mold casting apparatus for molding trunk pistons were allowable over the prior art because the claimed invention combined "old permanent-mold structures together with a timer and solenoid which automatically actuates the known pressure valve system to release the inner core after a predetermined time has elapsed." The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.).

3. Applicant argues, "[Nassar] does not teach a dynamic itinerary monitoring system that performs *both*: (i) downstream segments being altered (automatically), *and* (ii) travel accommodations are also modified *in accordance with such altered downstream segments.*" The Examiner respectfully disagrees. Nassar teaches the dynamic itinerary monitoring system alters downstream segments automatically as described above. Nassar further teaches modifying a travel itinerary by rescheduling another flight for a traveler in response to a flight delay or cancellation of the original flight (Nassar: col. 2, lines 35-40; col. 3, lines 5-9; col. 6, lines 27-30). In response to a cancelled or delayed flight, an intermediate service request by the travel intelligence center server is made to reschedule the flight. This service request to reschedule a flight indicates the downstream segment (cancelled flight) is being altered. The subsequent step of actively rescheduling the cancelled flight by reservation module 12c is by nature in accordance with the rescheduling request (altered downstream segment).

4. Applicant argues, "None of the cited references teach or suggest the use of time-related information in a rule to automatically alter downstream segments of a travel plan." The Examiner respectfully disagrees. Nassar teaches using information to automatically alter downstream segments of a travel plan. Anderson teaches using rules to alter a travel plan. Bekkers teaches using time-related information that includes a tolerance indicating the number of minutes delayed that constitutes a delay in the view of the particular customer. The tolerance value taught by Bekkers is particularly relevant to altering a downstream segment of a travel plan because one of ordinary skill in the art would recognize that any delay over a maximum allowable time interval would be unacceptable. This often results in a rescheduling request by the customer for another flight. This re-accommodation would allow the customer to arrive at the destination location within a reasonable time. It is the combination of the above references that teaches the use of time-related information in a rule to automatically alter downstream segments of a travel plan.

5. In response to Applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991). Moreover, it is noted that "A person of ordinary skill in the art is also a person of ordinary creativity, not an automaton." KSR International Co. v. Teleflex Inc., 550 U.S. ___, ___, 82 USPQ2d1385, 1397 (2007). "[I]n many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle." Id. Office personnel may also take into account "the inferences and creative steps that a person of ordinary skill in the art would employ." Id. at ___, 82 USPQ2d at 1396.

6. In response to Applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

7. Regarding claim 13, Applicant argues none of the cited references teach or suggest sending a notification to a communication device associated with the user indicating the altered downstream segments of the travel plan and the modified travel accommodations. The Examiner respectfully disagrees. Nassar teaches the travel intelligence center server initiates a message indicating a change in flight status to the user (Nassar: col. 3, lines 9-12). Nassar further teaches an example in which a passenger's communication device receives the message, "Now flight UAL444 is departing from JFK Gate C4 at 10:20 PM." This message received by the passenger indicates not only the status of the rescheduled flight, but also the flight information of the rescheduled flight, i.e. flight number, gate, and departure time. This flight information is a notification indicating the altered downstream segment of the travel plan and the modified travel accommodation.

Claim Rejections - 35 USC § 112

8. The Examiner acknowledges the amended claims and withdraws the previous rejection.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1-4, 8-11, 14-15, 19-22, 25-26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nassar, European Patent Application No. EP 1096405 A2 in view of Anderson et al., U.S. Publication No. 2002/0178226 in view of Lee et al., U.S. Patent No. 6,263,358 and further in view of Bekkers, U.S. Publication No. 2004/0019509.

11. **As per claims 1, 14, and 25**, Nassar discloses a method, a system, and a computer program product (Nassar: Fig.1; col. 2, lines 7-11; col. 6, lines 16-17) for rescheduling travel arrangements comprising the steps of:

obtaining, by the dynamic itinerary monitoring system (Nassar: Fig. 1, "16"), current travel information for a user to identify a current status of travel of the user (Nassar: col. 3, lines 5-22 and 43-47; col. 6, lines 20-23);

responsive to a real-time change in status in at least one segment of a prearranged travel plan for the user, determining by the dynamic itinerary monitoring system whether the user has provided information for making changes to downstream segments of the prearranged travel plan (Nassar: col. 3, lines 52-53; col. 7, lines 5-37, "profile of his personal preferences");

automatically altering, by the dynamic itinerary monitoring system, the downstream segments of the prearranged travel plan according to the information, if the user has provided

information for making changes to the downstream segments of the prearranged travel plan (Nassar: col. 2, lines 35-40; col. 6, lines 6-12 and 27-30);

automatically contacting, by the dynamic itinerary monitoring system, at least one agency computing device to modify travel accommodations associated with the travel plan in accordance with the altered downstream segments (Nassar: Fig. 1, "14"; col. 6, lines 27-43; The TIC application server 16 contacts the content gateway 14 when accessing reservation module 12c. The Examiner notes, while Nassar discloses that the TIC application server 16, content gateway 14, and reservation module 12c typically run on a single computer, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have separated the TIC application server 16 from content gateway 14 into a second computer for the advantage of freeing up memory and making the first computer system less complex. Nassar does not teach altering the downstream segments of the travel plan without involvement of the user. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and system of Nassar to have included altering the downstream segments of the travel plan without involvement of the user for the advantage of saving time and minimizing the work required by the user to reschedule a flight.); and

sending a notification to a communication device associated with the user indicating the altered downstream segments of the travel plan and the modified travel accommodations (Nassar: Fig. 1; col. 3, lines 9-12; col. 11, lines 1-15).

12. Nassar does not disclose a rule set wherein the rule set includes time-related information indicating under what conditions a discrepancy between the prearranged travel plan and the current travel information is to be resolved by altering downstream segments of the prearranged

travel plan; wherein the rule set further includes information indicating a manner by which the discrepancy is to be resolved; and wherein automatically contacting at least one agency computing device to modify travel accommodations associated with the travel plan includes negotiating with the at least one agency computing device to obtain new travel accommodations and applying user established preferences to the negotiation with the at least one agency computing device, such negotiation occurring without involvement of the user.

13. Anderson discloses a rule set wherein the rule set includes information indicating under what conditions a discrepancy between the prearranged travel plan and the current travel information is to be resolved by altering downstream segments of the prearranged travel plan (Anderson: paragraphs 0017; 0029) and wherein the rule set further includes information indicating a manner by which the discrepancy is to be resolved (Anderson: paragraphs 0017; 0020; 0029).

14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method, system, and computer product of Nassar to have included a rule set wherein the rule set includes information indicating under what conditions a discrepancy between the prearranged travel plan and the current travel information is to be resolved by altering downstream segments of the prearranged travel plan and wherein the rule set further includes information indicating a manner by which the discrepancy is to be resolved as disclosed by Anderson for the advantage of automatically altering a reservation that the user would not have wanted to be bothered with (Anderson: paragraph 0032).

15. Nassar in view of Anderson does not disclose time related information and wherein automatically contacting at least one agency computing device to modify travel accommodations

associated with the travel plan includes negotiating with the at least one agency computing device to obtain new travel accommodations and applying user established preferences to the negotiation with the at least one agency computing device, such negotiation occurring without involvement of the user.

16. Lee discloses in a travel management application, a software agent (dynamic itinerary monitoring system) that acts autonomously on behalf of a user to negotiate with another agent (agency computing device) using user established preferences (Lee: col. 1, lines 8-15; col. 2, lines 43-46; col. 9, lines 13-19; col. 45, lines 22-30).

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method, system, and computer product of Nassar in view of Anderson to have included wherein automatically contacting at least one agency computing device to modify travel accommodations associated with the travel plan includes negotiating with the at least one agency computing device to obtain new travel accommodations and applying user established preferences to the negotiation with the at least one agency computing device, such negotiation occurring without involvement of the user as disclosed by Lee for the advantage of finding the best travel deal for a customer without his/her involvement.

18. Nassar in view of Anderson and further in view of Lee does not disclose time-related information.

19. Bekkers discloses time-related information (Bekkers: paragraph 0059, "tolerance (the number of minutes delayed that constitutes a delay in the view of the particular customer)).

20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method, system, and computer product of Nassar in view of

Anderson and further in view of Lee to have included time-related information as disclosed by Bekkers for the advantage of creating specific user preferences that can help cater goods and services that fit a customer's demand.

21. **As per claims 2, 15, and 26**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method, system, and computer product of claims 1, 14, and 25 as described above. Nassar further discloses retrieving the prearranged travel plan from a storage device (Nassar: Figure 1, "10"; col. 6, lines 16-30); and comparing the prearranged travel plan to the current travel information, wherein the real-time change in status in the at least one segment of the prearranged travel plan is determined if a result of the comparison indicates the discrepancy between the prearranged travel plan and the current travel information (Nassar: col. 3, lines 5-14; col. 6, lines 16-30).

22. **As per claims 3,** Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method of claim 1 as described above. Nassar further discloses the prearranged travel plan is obtained as travel arrangements are finalized by the user via at least one web site (Nassar: Fig. 1, "20a"; col. 7, lines 5-26).

23. **As per claim 4**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method of claim 1 as described above. Nassar further discloses the prearranged travel plan is obtained by receiving user input to at least one Web form provided by at least one server, identifying information regarding segments of the prearranged travel plan (Nassar: Fig. 1, "16" and "20a"; col. 7, lines 5-26).

24. **As per claims 8 and 19**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method and system of claims 1 and 14 as described above. Nassar

further discloses the user established preferences indicate a user preference regarding at least one of a preferred type of travel accommodation (Nassar: col. 3, lines 52-54; col. 7, lines 8-10). Nassar does not disclose a preferred vendor of a travel accommodation.

25. Anderson discloses a preferred vendor of a travel accommodation (Anderson paragraph 0015, "e-commerce providers that a user prefers").

26. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and system of Nassar in view of Anderson in view of Lee and further in view of Bekkers to have included a preferred vendor of a travel accommodation as disclosed by Anderson for the advantage of allowing a customer to select a particular service that is desired.

27. **As per claims 9, 20, and 28**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method, system, and computer product of claims 1, 14, and 25. Nassar further discloses identifying a plurality of prearranged travel plans for a plurality of users in a travel plan storage device (Nassar: Figure 1, "10"; col. 2, lines 7-18; col. 4, lines 12-14); for each prearranged travel plan, determining if the travel plan is currently active (Nassar: Figure 1; col. 6, lines 16-30; The notification module 12b performs the task of determining if the travel plan is currently active when monitoring a specific event.); and performing the steps of obtaining, determining, altering and contacting for each currently active prearranged travel plan in the travel plan storage device (Nassar: Fig. 1, "10"; col. 2, lines 35-40; col. 3, lines 5-22, 43-47, and 52-53; col. 6, lines 6-12 and 20-43; col. 7, lines 5-37).

28. **As per claims 10 and 21**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method and system of claims 1 and 14 as described above. Nassar

further discloses the current travel information is obtained from at least one current travel information source computing device (Nassar: col. 2, lines 11-15; col. 3, lines 5-9).

29. **As per claims 11 and 22,** Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method and system of claims 10 and 21 as described above. Nassar further discloses the at least one current travel information source computing device includes at least one of an airline computing system, a travel agency computing system, a transportation provider computing system, a lodging provider computing system, and a government agency computing system (Nassar: col. 2, lines 11-18).

30. Claims 12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nassar, European Patent Application No. EP 1096405 A2 in view of Anderson et al., U.S. Publication No. 2002/0178226 in view of Lee et al., U.S. Patent No. 6,263,358 in view of Bekkers, U.S. Publication No. 2004/0019509 and further in view of Zobell et al., U.S. Patent No., 6,606,553.

31. **As per claims 12 and 23**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method and system of claims 10 and 21 as described above.

32. Nassar in view of Anderson in view of Lee and further in view of Bekkers does not disclose the at least one current travel information source includes an Air Route Traffic Control Center (ARTCC) computing system.

33. Zobell discloses the at least one current travel information source includes an Air Route Traffic Control Center (ARTCC) computing system (Zobell: col. 12, lines 35-36).

34. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and system of Nassar in view of Anderson in view of Lee

and further in view of Bekkers to have included the at least one current travel information source includes an Air Route Traffic Control Center (ARTCC) computing system as disclosed by Zobell for the advantage of providing a method and system for effective weather rerouting decision support based on frequently updated weather forecasts (Zobell: col. 3, lines 15-19).

Conclusion

35. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The Examiner has cited particular portions of the references as applied to the claims above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or

part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Liou whose telephone number is (571)270-1359. The examiner can normally be reached on Monday - Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric Liou/
Examiner, Art Unit 3628

/JOHN W HAYES/

Supervisory Patent Examiner, Art Unit 3628